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**SUBSTITUTE SENATE BILL 5080**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Marr, Swecker, Murray, Weinstein, Kauffman, Rasmussen, Hatfield, Hobbs, Berkey, Pridemore, Regala, Tom, McCaslin, Oemig, Jacobsen and Rockefeller)

READ FIRST TIME 01/22/07.

1 AN ACT Relating to extending waste tire removal fees; amending RCW  
2 70.95.510, 70.95.521, 70.95.530, and 70.95.555; and adding a new  
3 section to chapter 70.95 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.95.510 and 2005 c 354 s 2 are each amended to read  
6 as follows:

7 (1) There is levied a one dollar per tire fee on the retail sale of  
8 new replacement vehicle tires (~~for a period of five years, beginning~~  
9 ~~July 1, 2005~~). The fee imposed in this section (~~shall~~) must be paid  
10 by the buyer to the seller, and each seller shall collect from the  
11 buyer the full amount of the fee. The fee collected from the buyer by  
12 the seller less the ten percent amount retained by the seller as  
13 provided in RCW 70.95.535(1) (~~shall~~) must be paid to the department  
14 of revenue in accordance with RCW 82.32.045.

15 (2) The department of revenue shall incorporate into the agency's  
16 regular audit cycle a reconciliation of the number of tires sold and  
17 the amount of revenue collected by the businesses selling new  
18 replacement vehicle tires at retail. The department of revenue shall

1 collect on the business excise tax return from the businesses selling  
2 new replacement vehicle tires at retail:

- 3 (a) The number of tires sold; and
- 4 (b) The fee levied in this section.

5 (3) All other applicable provisions of chapter 82.32 RCW have full  
6 force and application with respect to the fee imposed under this  
7 section. The department of revenue shall administer this section.

8 (4) For the purposes of this section, "new replacement vehicle  
9 tires" means tires that are newly manufactured for vehicle purposes and  
10 does not include retreaded vehicle tires.

11 **Sec. 2.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read  
12 as follows:

13 The waste tire removal account is created in the state treasury.  
14 ~~((All receipts from tire fees imposed under RCW 70.95.510 must be  
15 deposited in the account. Moneys in the account may be spent only  
16 after appropriation.))~~ Expenditures from the account may be used for  
17 the cleanup of unauthorized waste tire piles and measures that prevent  
18 future accumulation of unauthorized waste tire piles.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95 RCW  
20 to read as follows:

21 Fifty percent of all receipts from tire fees imposed under RCW  
22 70.95.510 must be deposited in the multimodal transportation account  
23 under RCW 47.66.070, until June 30, 2010. Beginning July 1, 2010, all  
24 receipts from tire fees imposed under RCW 70.95.510 must be deposited  
25 in the multimodal transportation account under RCW 47.66.070. Moneys  
26 in the account may be spent only after appropriation.

27 Fifty percent of all receipts from tire fees imposed under RCW  
28 70.95.510 must be deposited in the waste tire removal account under RCW  
29 70.95.521, until June 30, 2010.

30 **Sec. 4.** RCW 70.95.530 and 2005 c 354 s 5 are each amended to read  
31 as follows:

32 (1) Moneys in the waste tire removal account may be appropriated to  
33 the department of ecology:

- 34 (a) To provide for funding to state and local governments for the

1 removal of discarded vehicle tires from unauthorized tire dump sites;  
2 and

3 (b) To accomplish the other purposes of RCW 70.95.020 as they  
4 relate to waste tire cleanup under this chapter(~~;~~ and

5 ~~(c) To conduct a study of existing tire cleanup sites. The office~~  
6 ~~of financial management shall oversee the study process and approve the~~  
7 ~~completed study. The completed study shall be delivered to the house~~  
8 ~~of representatives and senate transportation committees by November 15,~~  
9 ~~2005. In conducting the study, the department shall consult on a~~  
10 ~~regular basis with interested parties. The following identified~~  
11 ~~elements at a minimum shall be included in the completed study:~~

12 ~~(i) Identification of existing tire cleanup sites in the state of~~  
13 ~~Washington;~~

14 ~~(ii) The estimated number of tires in each tire cleanup site;~~

15 ~~(iii) A map identifying the location of each one of the tire~~  
16 ~~cleanup sites;~~

17 ~~(iv) A photograph of each one of the tire cleanup sites;~~

18 ~~(v) The estimated cost for cleanup of each tire [cleanup] site by~~  
19 ~~cost component;~~

20 ~~(vi) The estimated reimbursement of costs to be recovered from~~  
21 ~~persons or entities that created or have responsibility for the tire~~  
22 ~~cleanup site;~~

23 ~~(vii) Identification of the type of reimbursements for recovery by~~  
24 ~~each of the tire cleanup sites;~~

25 ~~(viii) The estimated time frame to begin the cleanup project and~~  
26 ~~the estimated completion date for each tire cleanup site;~~

27 ~~(ix) An assessment of local government functions relating to~~  
28 ~~unauthorized tire piles, including cleanup, enforcement, and public~~  
29 ~~health;~~

30 ~~(x) Identification of needs in the areas in (c)(ix) of this~~  
31 ~~subsection for each one of the counties; and~~

32 ~~(xi) A statewide cleanup plan based on multiple funding options~~  
33 ~~between twenty cents and sixty cents for each new tire sold at retail~~  
34 ~~in the state starting on July 1, 2005. The plan shall include the~~  
35 ~~estimated time frame to begin each of the tire cleanup sites and the~~  
36 ~~estimated completion date for each one of the sites. In addition, the~~  
37 ~~plan must include a process to be followed in selecting entities to~~

1 ~~perform the tire site cleanups. The 2006 legislature shall determine~~  
2 ~~the final distribution of the tire cleanup fee and the appropriations~~  
3 ~~for this statewide tire cleanup plan)).~~

4 (2) In spending funds in the account under this section, the  
5 department of ecology shall identify communities with the most severe  
6 problems with waste tires and provide funds first to those communities  
7 to remove accumulations of waste tires.

8 (3) Immediately after July 1, 2005, the department of ecology shall  
9 initiate a pilot project in a city with a population between three and  
10 four thousand within a county with a population less than twenty  
11 thousand to contract to clean up a formerly licensed tire pile in  
12 existence for ten or more years. To begin the project, the department  
13 shall seek to use financial assurance funds set aside for clean up of  
14 the tire pile. For purposes of this subsection, population figures are  
15 the official 2004 population as estimated by the office of financial  
16 management for purposes of state revenue allocation.

17 **Sec. 5.** RCW 70.95.555 and 2005 c 354 s 6 are each amended to read  
18 as follows:

19 Any person engaged in the business of transporting or storing waste  
20 tires shall be licensed by the department. To obtain a license, each  
21 applicant must:

22 (1) Provide assurances that the applicant is in compliance with  
23 this chapter and the rules regarding waste tire storage and  
24 transportation;

25 (2) Accept liability for and authorize the department to recover  
26 any costs incurred in any cleanup of waste tires transported or newly  
27 stored by the applicant in violation of this section, or RCW 70.95.560,  
28 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1,  
29 2005;

30 (3) ~~((Until January 1, 2006, post a bond in the sum of ten thousand~~  
31 ~~dollars in favor of the state of Washington for waste tires transported~~  
32 ~~or stored before July 1, 2005. In lieu of the bond, the applicant may~~  
33 ~~submit financial assurances acceptable to the department;~~

34 ~~(4))~~ After January 1, 2006, for waste tires transported or stored  
35 before July 1, 2005, or for waste tires transported or stored after  
36 July 1, 2005, post a bond in an amount to be determined by the  
37 department sufficient to cover the liability for the cost of cleanup of

1 the transported or stored waste tires, in favor of the state of  
2 Washington. In lieu of the bond, the applicant may submit financial  
3 assurances acceptable to the department;  
4       (~~(5)~~) (4) Be registered in the state of Washington as a business  
5 and be in compliance with all state laws, rules, and local ordinances;  
6       (~~(6)~~) (5) Have a federal tax identification number and be in  
7 compliance with all applicable federal codes and regulations; and  
8       (~~(7)~~) (6) Report annually to the department the amount of tires  
9 transported and their disposition. Failure to report shall result in  
10 revocation of the license.

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